

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Karim S. Mateen,)	
)	C/A No. 8:05-3401-MBS
Plaintiff,)	
)	
vs.)	
)	O R D E R
Felicia Boatwright, Correctional Officer,)	
FCI-Estill,)	
)	
Defendant.)	
_____)	

Plaintiff Karim S. Mateen is an inmate in custody of the Federal Bureau of Prisons. He currently is housed at the United States Penitentiary in Atwater, California. Plaintiff alleges that his constitutional rights were violated while he was incarcerated at FCI-Estill in Estill, South Carolina. Plaintiff originally had included the United States and the Bureau of Prisons as Defendants. The court dismissed these Defendants on the basis of sovereign immunity by order filed October 17, 2006.

This matter currently is before the court on “Motion to Dismiss Civil Action” filed by Plaintiff on February 6, 2007 (Entry 41). Plaintiff “refuses to hold the sole defendant liable when the United States of America and the Federal Bureau of Prisons should be answering for the injury and damage induced. Plaintiff will simply pursue Tort and Lien remedies.” In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bruce H. Hendricks for pretrial handling. On March 6, 2007, the Magistrate Judge issued a Report and Recommendation in which she recommended that Plaintiff’s motion be treated as a voluntary dismissal without prejudice pursuant to Fed. R. Civ. P. 41(a)(1). No party filed an objection to the Report.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has construed Plaintiff's motion as a motion for voluntary dismissal pursuant to Fed. R. Civ. P. 41(a)(1). Plaintiff's motion to dismiss is **granted**.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

March 27, 2007